

**Supporting Statement**  
**Application for Asylum and Withholding of Removal**  
**Form I-589**  
**(OMB No. 1615-0067)**

**A. Justification.**

- (1) The information provided on this form is used by the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and the Executive Office for Immigration Review (EOIR), a component of the Department of Justice (DOJ), to determine whether an alien applying for asylum and/or withholding of removal or deportation in the United States is classifiable as a refugee, and is eligible to remain in the United States. Section 208 of the INA, 8 U.S.C. 1158, charges DHS and DOJ with establishing a procedure whereby aliens may apply for asylum. This form is the standardized collection of information relevant to the asylum determination.
  
- (2) USCIS and EOIR use the data collected on the Form I-589 to determine eligibility of persons applying for asylum and for withholding of removal. Under section 208 of the Immigration and Nationality Act, any alien who is physically present in the United States, or at a land border or port of entry, may apply for asylum regardless of such alien's status. 8 U.S.C. 1158. Under 8 CFR part 208, a corps of professional asylum officers adjudicates in the first instance the applications from aliens who are not subject to removal proceedings, or who have not yet been placed in removal proceedings. Immigration judges adjudicate asylum applications of individuals in removal proceedings. The form serves the purpose of standardizing the application and ensuring that applicants provide the required information necessary for assessing eligibility.

USCIS also uses the Form I-589 to serve as an alternate application for evidence of employment authorization for individuals granted asylum, eliminating their need to file a separate Form I-765, Application for Employment Authorization (OMB No. 1115-0163) with USCIS if, after being granted asylum, they wish to receive an Employment Authorization Document (EAD) containing both evidence of employment authorization and identity. The Form I-589 collects the same biographic information as that collected by the Form I-765. In cases where asylum is granted, the biographic information contained on the I-589 could also be used to generate the employment authorization document. USCIS must issue an EAD with a photo and fingerprint to asylees “immediately” upon the grant of asylum. Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act)[P.L. 107-173 (May 14, 2002)].

USCIS uses information on the I-589 that is entered into the asylum processing database (Refugee, Asylum and Parole System (RAPS)) and electronically shares these data with the database used to process employment authorization applications (Computer Linked Application Information Management System (CLAIMS)), which eliminates the need for duplicate mailroom and data entry functions and the associated personnel costs.

Dual use of the form also benefits asylees and persons granted withholding of removal. They receive USCIS-issued evidence of identity and work authorization immediately after they obtain notice of decision to grant asylum, thus enabling them to promptly work and access any public benefits to which they may be entitled.

The Form I-589 has been revised to improve clarity and to incorporate statutory changes that have taken place since the form was last published. The form is revised in the following areas: 1) expansion of instructions on page one (1) to clarify documentation requirements to establish eligible relationships for dependents included in asylum applications; 2) revisions to change the agency of authority to Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) from Immigration and Naturalization Service (INS); 3) revisions to website uniform resource locators (URLs) to reflect current government Internet locations; 4) addition of warnings regarding fingerprint requirements that are mandatory under sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 Code of Federal Regulations (CFR) sections 208.10, 1208.10, 208.20, 1003.47(d) and 1208.20; 5) incorporation to instructions on page four (4) of statutory changes made by the REAL ID Act of United States Public Law 109-13 (May 11, 2005); 5) revision of instructions to clarify requirement that an incomplete application may be returned; 6) revision of the instructions and background questions of Part A.I and A.III to simplify and clarify questions; 7) inclusion of a signature box and related instructions to accommodate the signatures executed in immigration court; 8) revision of instructions on page ten (10) to clarify that submissions should be photocopies; 9) expansion of instructions on filing location to clarify filing process in immigration court; 10) revision of the San Francisco Asylum Office contact number to reflect the current number; 11) inclusion of instructions on page fourteen (14) regarding the provision of sign language interpretation to reflect current policy; 12) revision to instructions on page fifteen (15) to reflect address change of Regulatory Management Division; and 13) revisions for grammar and punctuation. (See the chart attached for more details.)

- (3) At this time, this form provides the most efficient means for collecting and processing the required data. While DHS has developed web-based electronic filing of applications under its “E-Filing” initiative, this technology has not yet been applied to this form, and all efforts to expand this technology are currently on hold while USCIS business practices and technological infrastructure are being reassessed and reconfigured under the “Transformation” project.
- (4) A review of the DHS Forms Inventory Report revealed no duplication of effort in this information collection. The information on the asylum application is not currently collected in another context, such that it could be made available for the purpose of adjudicating asylum and withholding of removal eligibility.
- (5) The collection of information does not have an impact on small businesses or other small entities.
- (6) If the information were not collected, DHS and DOJ would not be in compliance with Section 208 of the INA, Pub. L. 96-212, that charges DHS and DOJ to establish a procedure whereby aliens are able to apply for asylum. This instrument facilitates the ability of aliens to apply for asylum as well as for withholding of removal under 241(b)(3) of the INA, 8 U.S.C. 1231, and for withholding of removal under the Convention Against Torture. See 8 CFR parts 208.16, 208.17, 208.18, 208.31, 1208.16, 1208.17, 1208.18 and 1208.31. Because the asylum and withholding of removal eligibility determinations are necessarily fact-specific, and often take into account various aspects of an applicant’s life, the information collection is by necessity detailed and extensive. The use of a form, rather than permitting a free narrative, focuses the applicant on the specific details that are legally relevant, and ensures that all necessary

elements are addressed. If this information were not collected, the adjudicator would be unable to prepare for the interview or hearing by reviewing relevant law and country conditions, and there would be no sworn, written record of the applicant's claim. Because the applicant is required to come forward with his or her claim in a systematic and organized fashion, this form allows DHS and DOJ to address a greater volume of applications and to concentrate efforts on approving meritorious claims.

Furthermore, if dual use of the I-589 were not permitted, DHS would be significantly hampered in complying with the Border Security Act (full citation above).

- (7) The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection. This section is not applicable to the initial submission. All public comments based on the initial submission will be reconciled and addressed in the justification package accompanying the second submission.
- (8) USCIS has consulted with EOIR, to obtain its views on the availability of data, the frequency of collection, clarity of instructions, disclosure and the data elements to be recorded. Public comment cannot be addressed in the initial submission. Any public comment will be reconciled and addressed in the justification package with the second submission.
- (9) DHS and DOJ do not provide payment or gifts to applicants in exchange for a benefit sought.

(10) Confidentiality of an application for asylum or withholding of removal is governed by 8 CFR parts 208.6 and 1208.6. These regulations provide that “information contained in or pertaining to any asylum application ... shall not be disclosed without the written consent of the applicant, except as permitted by this section or at the discretion of the Attorney General.” This discretion may now be exercised by the Secretary of Homeland Security.

(11) Certain questions on this form relate to topics of a sensitive nature such as race, religion, nationality, membership in a particular social group, or political opinion. These questions are necessary to help determine whether an applicant for asylum qualifies as a refugee, as that term is defined in section 101(a)(42) of the INA: a refugee is a person who is unable or unwilling to return to his or her country of nationality or last habitual residence, because of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Aside from some general questions, these issues are explored only to the degree that they are raised by the applicant's claim for protection as an asylee under section 208 of the INA or for withholding of removal under section 241(b)(3) of the INA, or withholding of removal under the Convention Against Torture. The applicant is informed in the instruction section of the application regarding the definition of refugee, as well as the basis for eligibility for withholding of removal under

241(b)(3) of the INA or withholding of removal under the Convention Against Torture, and is also informed that his or her responses are protected by confidentiality regulations.

(12) Annual Reporting Burden:

a.	Number of Respondents	63,138*
	<i>*(based on approximately 45,000 affirmative applications filed with USCIS on average over the last five fiscal years (FY 2001-05) and an estimated 18,138 defensive applications filed with EOIR on average, over the same period.)</i>	
b.	Number of Responses per each Respondent	1
c.	Total Annual Responses	63,138
d.	Hours per Response	12
e.	Total Annual Reporting Burden	757,656
f.	Total Public Cost	\$ 7,576,560

The projected hours per response for this collecting of information were derived by first breaking the process into three basic components.

Learning about the law and the form	1 ½ - 2 hours
Completing the form	5 hours

Assembling and filing the form	5 hours
TOTAL Hours per Response	12 hours

The time estimates are based on the time it takes to complete the current form.

The third component of the process, assembling and filing the form, was broken down into sub-tasks. For example, the form can be mailed to a DHS office or filed in person. Thus the time necessary to actually file the form can vary widely depending on the circumstances of the applicant.

#### **Annual Public Burden**

**The total annual reporting burden hours are 757,656.** This figure was derived by multiplying the number of respondents (63,138) x frequency of response (1) x hours per response (12 hours).

- (13) There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this collection are identified in item 14.



(14) Annualized Cost Analysis:

a.	Printing Cost	\$53,036
b.	Collection and Processing	\$41,671,080
c.	Total Cost to Program	\$41,724,116
d.	Fee Charge	0
e.	Total Cost to Government	\$41,724,116
f.	Total Public Cost	\$7,576,560

**Government Cost**

**The estimated cost of the program to the Government is \$41,724,116.** This figure is calculated by using the estimated average number of respondents (63,138) multiplied by 16.5 hours (time required to collect, process, and adjudicate information by the Asylum Division (45,000 cases), Service Centers (63,138 cases), and Trial Attorneys (49,638 cases, total, based on the referred affirmative cases (31,500) and defensive cases (18,138) pending before EOIR) multiplied by \$40.00 (the suggested average hourly rate for clerical, DHS and Asylum Officer, Trial Attorney, and managerial time with benefits, excluding the costs for the EOIR, which cover approximately 49,638 defensive filings and affirmative referrals from the Asylum Division). In addition, this figure includes the estimated annual overhead cost for printing, stocking, and distributing this form (\$53,036).

## **Public Cost**

**The estimated annual public cost is \$7,576,560.00.** This is based on the number of respondents 63,138 x 12 hours per response x \$10 (average hourly rate).

- (15) The number of persons using this collection of information decreased by 50 percent between FY 2001 and FY 2005. Recognizing this downward trend in asylum application filings, while also creating flexibility for unpredictable spikes in application receipts, we have adjusted the number of persons using this collection of information by taking the average number of application receipts from FY 2001 to FY 2005. There are no other changes at this time to the assumptions regarding the burden of completing this form or the collection of this information.
- (16) DHS does not intend to employ the use of statistics or the publication thereof for this collection of information.
- (17) DHS, working with DOJ is seeking OMB approval to not display the expiration date of the OMB approval with the revised Form I-589. DHS working with DOJ has incorporated all recent statutory and regulatory changes into the revised

Form I-589 and does not anticipate any imminent statutory and regulatory changes that would affect the form. Non-display of the OMB approval date will reduce governmental costs involved with revision, printing and distribution of the form absent any statutory or regulatory changes as well as providing stability regarding public expectations. Should statutory or regulatory changes occur subsequent to this proposed revision DHS and DOJ will initiate revisions to the Form I-589 on an as needed basis.

- (18) DHS does not request an exception to the certification of this information collection. See attached Item 19 of the Form OMB 83-1.

**B. Collection of Information Employing Statistical Methods.**

Not Applicable.

**C. Certification and Signature.**

## PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards of directives, and any other information policy directives promulgated under 5 CFR 1320.

---

Richard A. Sloan

---

Date

Regulatory Management Division,  
U.S. Citizenship and Immigration Services,  
Department of Homeland Security